

AGREEMENT BETWEEN THE CITY OF BOSTON AND THE
TOWN OF SOUTHBOROUGH, FEB. 14, 1894.

The city of Boston, a municipal corporation in the county of Suffolk, acting by its water board, and the inhabitants of the town of Southborough, a municipal corporation in the county of Worcester, acting by its committee thereunto duly authorized, on this fourteenth day of February, A. D. eighteen hundred and ninety-four, agree as follows:—

First. Said town consents to the discontinuance by said city of certain parts of the town, county and other public ways in said town substantially as shown in blue on a plan hereto annexed, and to the laying out, relocating, altering, building, reconstruction and repair of certain other parts of said ways, which shall thereafter be highways, substantially as shown in red on said plan, and to the changing of the grade of certain other parts of said ways substantially as shown in yellow on said plan, all of which said water board deems necessary for the proper building by said city of its new water basin in said town.

Second. Said city may discontinue said parts of ways shown in blue as aforesaid and shall do the work on said parts of ways shown in red and yellow as aforesaid in a good and workmanlike manner, making the travelled parts of said ways shown in red and yellow not less than twenty-five feet wide, and of good material, and to the satisfaction and acceptance of the county commissioners of Worcester County, and shall secure to all persons desiring to use any of said parts shown in red, yellow or blue, a safe and convenient way of travel over or around each part from the time said city shall

construct or commence work on the same until the completion of the substitute therefor in the manner aforesaid, and shall at all times during the progress of its work secure safe and convenient ways of travel between Southborough and the neighboring towns, and between the different parts of said town.

Third. Said city shall, wherever practicable, fence the said parts of ways shown in red or yellow with substantially built field-stone walls, and where it is impracticable to place such walls, shall fence said parts of said ways with an iron fence not less than four feet in height, made with two iron gas-pipe rails not less than two and one-half inches in diameter, fixed in iron posts not less than three inches in diameter, and with said posts securely fixed in stone bases, where and as the board of selectmen of said town shall request.

Fourth. Said city shall either take all land lying between Rice's Mill and Williams' Mill, so called, and between the line of said basin on the north and a line marked A and B upon the annexed plan on the south, and compensate the several owners therefor, or it shall build a new way which shall comply with the requirements of the first, second and third clauses, for ways to be built by it, and which shall run from a point near the junction of the Willow Bridge road and the road from Fayville to Marlborough, to a point on the old county road from Framingham to Southborough near the house of Sullivan T. Ball.

Fifth. Said city shall not commence the construction of any part of said basin, or of any structure connected therewith, except the dam thereof, until descriptions of all lands and other property to be taken for said basin or structures have been filed in the registry of deeds for the county of Worcester, and said city shall file such descriptions in said registry before May 1, 1894.

Sixth. Said city shall pay all damages that shall be sustained by any person in his property, to which damages he may be legally entitled by reason of any discontinuance, relocation, alteration or change of grade of any public way in said town by, or on the petition of, said city, its officers or agents, and shall indemnify and save harmless said town from every suit brought against said town from any cause arising from any such discontinuance, relocation,

alteration or change of grade of any public way in said town so made, or from any defect in any such way from the time said city shall obstruct or commence work on the same until the completion thereof in the manner aforesaid, and shall upon reasonable notice appear in and defend every such suit, and satisfy all judgments in such suit.

Seventh. Said town by its selectmen may, during the construction of said basin and ways, furnish a proper and sufficient lock-up in said town, and may appoint and employ, at wages not exceeding two dollars and a half per day per man, police officers in such numbers as may be agreed upon by said selectmen and said water board, or the agency in charge of its water supply, or in case they cannot agree, in such numbers as the chief of the district police force may determine to be necessary to protect persons and property in said town, and said city shall pay the expense incurred for said lock-up and said police officers as herein provided, at fixed periods at intervals not exceeding six months, as said board or agency and said selectmen may agree upon.

Eighth. Said town may take water from said basin for the purposes of a public water supply for said town not exceeding two hundred thousand (200,000) gallons per day, and may do all necessary and reasonable acts to take said water.

Ninth. Said town, or persons designated by the selectmen of such town and approved by said board or agency, may, under such reasonable regulations as said board or agency may deem necessary for the preservation of the purity of the water of said basin, cut and remove ice from said pond to be sold, delivered and used only in said town, and may construct and maintain ice-houses for the purpose of storing ice, not exceeding two in number, of a total capacity not exceeding twenty-five hundred (2,500) tons, in such place and of such size and construction as said board or agency and said selectmen shall agree upon, and the inhabitants of said town may under such reasonable regulations as said board or agency may deem necessary for the preservation of the purity of the water of said basin, cut and remove ice from said basin for their individual use in said town.

Tenth. Said city shall before July 1, 1894, pay to the treasurer of said town for the use of said town, the sum of fifty thousand dollars (\$50,000), being the estimated cost to said town of building other highways, and the extra cost of repairing the ways hereinbefore mentioned, when raised or altered by said city.

CITY OF BOSTON,

By THOS. F. DOHERTY,

J. W. LEIGHTON,

W.M. S. McNARY,

Boston Water Board.

INHABITANTS OF THE TOWN OF SOUTHBOROUGH,

By CHARLES F. CHOATE,

JOSEPH BURNETT,

FRANCIS D. NEWTON,

JOHN A. SALMON,

DECLINTON NICHOLS,

Committee of said Town.

Approved:

N. MATTHEWS, JR.,

Mayor.

This agreement was confirmed by an act of the Legislature approved March 14, 1894.